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CHARTER

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PENSACOLA,

FLORIDA

June 9th, 1913.

Burrow Press 26033

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1913

CITY OFFICERS

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ADOLPH GREENHUT, - - - - Mayor
Commissioner of Finance and Revenue

THOS. H. JOHNSON
Commissioner of Streets and Public Works.

F. R. POU
Police and Fire Commissioner.

21 N '14 Z.T.

Comptroller	Jno. G. Ward
City Clerk	Adrian E. Langford
City Attorney	Jno. B. Jones
City Engineer	Geo. Rommel, Jr.
Tax Assessor	Jas. Largue
Tax Collector	J C. Whiting
City Marshal	F. D. Sanders
Chief Fire Department	W. R. Bicker
City Electrician	Len LeBaron
Supt. Water Works	J L. Sweeny
City Physician	Wm. D. Nobles
Building Inspector	C. E. Shackelford
Plumbing Inspector	Geo. H. Hinrichs
Recorder	Jno. G. Welsh

SPECIAL DUTIES OF COMMISSIONERS

ADOLPH GREENHUT, Mayor and Commissioner of Finance and Revenue.

Accounts, Revenue and Finances, Public Property, Public Buildings and Institutions, Parks and Playgrounds.

THOS. H. JOHNSON, Commissioner of Streets and Public Works.

Water Works, Sewers, Garbage, Harbor, and Wharves, Plumbing, Streets and Street Improvements, Lighting and Electric Departments.

F. R. POU, Police and Fire Commissioner.

Health, Justice, Sanitation, Pounds, Police, Meat and Milk, Weights and Measures Inspection, Fire Department.

ORDER OF BUSINESS
BOARD OF COMMISSIONERS
1913.

Regular meetings held each Monday at 2 o'clock P. M.

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1. Roll Call.
2. Reading minutes.
3. Mayor's Communications.
4. Report of Commissioner of Finance and Revenue.
5. Report of Commissioner of Streets and Public Works.
6. Report of Police and Fire Commissioner.
7. Report of Officers.
8. Ordinances on first reading.
9. Ordinances on second reading.
10. Ordinances on third reading.
11. Resolutions.
12. Unfinished business.
13. New Business.
14. Petitions.
15. Communications.
16. Adjournment.

OFFICE HOURS.

9:00 A. M. to 12 M.

2:00 P. M. to 5 P. M.

CHARTER

An Act relating to the City of Pensacola, to create a commission form of government for said city; to provide for the election of commissioners, their term of office, and the selection of one commissioner as Mayor; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish all existing offices and boards, including the Council of the City of Pensacola; and to enlarge and extend the powers and jurisdiction of said city and to provide for the support and maintenance of its government.

Be it Enacted by the Legislature of the State of Florida:

Section 1. It shall be the duty of the Mayor of the City of Pensacola to issue and publish an order calling an election to be held in not less than twenty nor more than thirty days from the date provided herein. for the election of three commissioners, who shall constitute the Board of Commissioners hereby created, and who shall possess and exercise all the powers and duties of the existing offices and board of said city, including the council. If the Mayor shall fail to call said election within the time herein specified, then it shall be the duty of the Clerk of the Circuit Court of Escambia Coun-

ty to call said election, and to give at least fifteen days notice thereof. Said election shall be held according to the laws of the State of Florida, and existing city ordinances applicable thereto, except where the same may be in conflict with the provisions of this act. All present officials of said city shall continue in office until the election and qualification of the Commissioners as herein provided. It shall be the duty of the Commissioners so elected to qualify for their office within the time hereinafter provided. If the passage of this Act is on the day prior to May 15, 1913, then the Mayor shall order the election, herein provided for, to be held on the first Monday in June, 1913, but if this Act be passed and approved subsequent to said 15th day of May, said election shall be held on the fifth Monday succeeding the date of its approval.

Section 2. At the first election held under the provisions of this Act, there shall be elected by the qualified voters of said city at large three commissioners, as provided in the foregoing section, who shall hold office until the qualification of their successors, who shall be elected as follows: On the first Monday in June, 1915, there shall be held an election for the purpose of electing a successor to that Commissioner who received the third highest number of votes cast in the election held for the purpose of electing the original commissioners. On the first Monday in June, 1916, there shall be held an election for the purpose of electing a successor to that commissioner who received the second highest number of votes cast in the elction held for the purpose of eelcting the original commis-

sioners. On the first Monday in June, 1917, there shall be an election held for the purpose of electing a successor to the commissioner who received the largest number of votes cast in the first election held for the purpose of electing the commissioners, and every twelve months thereafter there shall be held an election for the purpose of electing a commissioner to succeed that commissioner who has served a term of three years. Each commissioner elected under the provisions of this act shall qualify and assume office on Monday succeeding the date of his election, and, except as is herein otherwise provided, hold office for a term of three years, unless recalled from office as herein provided.

Section 3. An election shall be held the first Monday in June of the second year next succeeding the year in which this act is passed and on the same day of each succeeding year, for the election of the successors of the member of the board of commissioners whose term shall expire in that year. Any person desiring to become a candidate for commissioner at any election which may be held under the terms of this act may become such candidate by filing in the office of the mayor of said city, if at the first election of the commissioners under this act, or with the commissioners at any subsequent election, a statement of such candidacy, accompanied by affidavit taken and certified by said mayor, or a member of said commission, or by a notary public, that such person is duly qualified to hold the office for which he desires to become a candidate. In case a primary election is held pursuant to the call

or under the direction of any political party, or of any association of individuals for the nomination of candidates for commissioner, the persons so nominated can have their names certified by the duly recognized officers of such party association, to the mayor or commissioners, and their names shall be placed on the ballot as is provided for herein, for other candidates. Such statement shall be filed at least fifteen days before the day set for such election, and shall be substantially in the following form:

"State of Florida, Escambia County, I, the undersigned, being duly sworn, depose and say that I am a citizen of the City of Pensacola, in said State and County, and reside at ..... in said city: that I desire to become a candidate for the office of commissioner in said city for the term ending June ..... 19...., at the election for said office to be held on the..... day of ....., that I am duly qualified to hold office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election.

"(Signed) ....."

"Subscribed and sworn to before me by said ..... on this ..... day of ....., 19.., and filed in this office for record on said day. .....
(Style of Officer)"

Section 4. At elections for commissioners under this act ballots shall be substantially in the following form:

"For commissioner of the city of Pensacola,

..... (Specify term)

.....

.....

....."

At such election the names of all candidates for commissioner who have qualified as such as above provided shall be printed on the ballots in alphabetical order under the heading as above provided. At such election, the candidate receiving the highest number of votes cast shall be declared elected thereto. Should there be two vacancies at said election, the candidate receiving the highest number of votes cast shall be declared elected to fill the long term, and the candidate reeciving the next highest vote cast shall be declared elected to fill the short or unexpired term. On the first election held under this act the commissioners shall be declared elected as provided in sections one and two of this act.

All expenditure of money in aid of the election of candidates except for holding public meetings and printing and distributing literature, is prohibited, and the total expenditure on behalf of any one candidate, whether directly or indirectly, and whether by himself alone or not, shall not exceed $250.

No candidate or any other person, association, or organization on his behalf, directly or indirectly, shall pay or cause any person to be paid, in cash or by any other material inducement for work for his election at the polls on election day. No candidate shall

directly hire, use or cause to be hired in aid of his candidacy, on the day of the municipal election, any automobile, carriage or other vehicle for the purpose of transporting voters to or from the polls. Any person violating any of the foregoing provisions shall be guilty of a misdemeanor, and ineligible to hold any city office or employment.

Where a candidate for commissioner has received a nomination for such office in a political primary he shall not be eligible to have his name printed upon the ballot for the general city election, or to hold such office, until he has first filed in the office of the Mayor, or Board of Commissioners, a sworn statement showing substantially the following facts:

1st. That the total amount of money, or other things of value, spent or promised by him, or to his knowledge, by anyone in his behalf, in aid of the procurement of such nomination did not exceed two hundred and fifty dollars.

2nd. That not more than forty eight hours, nor less than twenty-four hours, preceding the hour of ten o'clock a. m. of the day of such primary election, he filed in the office of the Clerk of the Circuit Court of Escambia County, a sworn statement showing, respectively, the names of persons, firms or institutions, to whom, or to which, such money or other things of value was paid, or promised, and in each case the purpose therefor, and the amount thereof.

3rd. That he did not spend or promise any money, or other thing of value, other than shown in said statement, previous to,

or following such primary election, in aid of the procurement of such nomination.

Section 5. The commissioners provided for by this act shall be elected by the vote of the legally qualified voters and no person shall be eligible for such office who shall not be over the age of twenty-one years at the time he shall become a candidate or shall not be qualified to vote in the election at which he shall be elected. In case any person, after he shall have been elected and duly qualified as commissioner, shall be declared ineligible to hold office, a successor shall be chosen as in case of a vacancy by death, resignation or any other cause, subject to provisions of this act.

Section 6. Every person who shall be elected to the office of commissioner shall on the day on which he takes office qualify by making oath that he is eligible for said office and will execute the duties of same according to his best knowledge and ability. Said oath shall be administered by a member of the commission or some other officer authorized to administer oaths, and he shall also give bond in the sum of twenty-five thousand dollars ($25,000) payable to said city, conditioned upon the faithful performance of his duties as commissioner, which bond shall be approved by the clerk of the circuit court of Escambia county, Florida, and recorded in his office, the premium on such bonds to be paid by the city of Pensacola.

Section 7. That whenever any vacancy shall occur in the office of commissioner by death or resignation, or otherwise, his successor shall be elected by the remaining two

commissioners which successor shall serve until the next regular election for commissioners, when his successor shall be elected by the qualified voters of the city, to fill the remaining part of the term to which the commissioner removed by death, resignation, or otherwise, was elected, subject to provisions of this act.

Section 8. Should a vacancy exist simultaneously from any cause in two or more commissionerships so as to leave no quorum of said board to fill the same, an election to fill the vacancy shall be called by the remaining commissioner, if there be one, and if there be none, then the clerk of the Circuit Court of Escambia County shall call such election, provided, however, that in the event that all three commissioners shall vacate their offices for any cause whatsoever at one time, the governor of the state shall appoint three commissioners to hold office until their successors are elected at a special election to be called for that purpose as hereinbefore provided. Should the Clerk of the Circuit Court of Escambia county call an election to fill such vacancies he shall do so in not more than thirty days from the date of such vacancies. The commissioners chosen in this eelction shall be determined as hereinbefore provided for such elections.

Section 9. The Board of Commissioners shall as soon as possible after the first election under this act, and annually thereafter, elect by ballot, by a majority vote of all the members thereof, one of their number to act as Mayor. Such commissioner shall preside at all meetings of the board, but shall have no veto powers whatsoever.

Section 10. The Board of Commissioners at their first meeting after election, or as soon thereafter as may be practical, shall, by a majority vote, designate from among their members one commissioner who shall be known as "Police and Fire Commissioner," and who shall have under his special charge all matters relating to the health, justice, sanitation, pounds, police, meats and milk, weights and measures inspection, and fire departments. One commissioner to be known as Commissioner of "Streets and Public Works." This commissioner shall have under his special charge the water works, sewers, garbage, harbor and wharves, plumbing, streets and street improvements, lighting and electric department. One commissioner to be known as Commissioner of "Finance and Revenue." This commissioner to have under his special charge, the accounts, revenues and finances, public property, public buildings and institutions, parks and playgrounds. Said commissioners shall perform all the executive duties of the respective departments to which they may be assigned, as above provided, but said board, as a whole, shall have the supervision of, and be responsible for the administration of each of said departments. The salary of each of said commissioners shall be three thousand dollars (3,000) a year, payable in monthly installments, and each commissioner shall devote all of his time, during regular business hours, to-wit: From nine o'clock a. m. to twelve M., and from two o'clock p. m. to five p. m. to the affairs of the city.

Section 11. All officers, including the marshal, chief of fire department, city

physician, comptroller, city attorney, plumbing inspector, engineer, superintendent of water works, building inspector, electrician, registration officer, city treasurer, or the combination of, or substitution for, such officials, shall be appointed by the board of commissioners, shall be under the direct control, management and supervision of said board as herein created, and each of said officers shall be subject to removal by said board for incompetency, insubordination, or any other good cause, if complaints or charges shall be preferred against him, and upon trial therefor he shall be found guilty by said board of commissioners The salaries of said officers shall be fixed by the board of commissioners.

Section 12. The city of Pensacola shall continue its existence as a body corporate without change of name and shall continue to be subject to all the duties and obligations now pertaining to, or incumbent upon it as a municipal corporation, and it shall continue to enjoy all the rights, powers and franchises now enjoyed by it, as well as those that may be hereafter granted it. All laws governing such city and not in conflict or inconsistent with the provisions of this act shall apply to, and govern said city, after it shall become organized under the commission form of government provided by this act. All by-laws, ordinances and resolutions lawfully passed and in force in the city of Pensacola under its former organization shall remain in force until altered or repealed according to the provisions of this act. The territorial limits of such city shall remain the same as under its former organ-

ization, but all commissioners shall be elected from the city at large. All rights, powers and property of every description which were vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or liability either in favor of or against it, and no suit or prosecution of any kind shall be affected by such change unless expressly provided for by the terms of this act.

Section 13. All health and quarantine matters shall be administered in accordance with the established public health system of the State of Florida, and such public health laws as are now in force or may hereafter be enacted; also in accordance with existing city ordinances and such ordinances as the commissioners may hereafter legally enact. Nothing in this act shall be construed so as to affect the powers with which the State Board of Health is now or may hereafter be legally invested.

Section 14. Any proposed ordinance may be submitted to the commissioners by a petition signed by qualified voters of the city of Pensacola, equal in number to twenty per cent of the total number of votes cast in the last general municipal election. Within two weeks after the filing of said petition said commissioners shall pass the said ordinance, or call a special election, at which the adoption or rejection of such ordinance shall be submitted to the qualified voters of said city, or said ordinance shall forthwith, upon the failure of the commissioners to act as hereinabove prescribed, become a valid ordinance of said city after the expiration

of two weeks. At such election the ballots shall contain the words: "For the Ordinance"(After stating the title of the ordinance) and "Against the Ordinance." If the majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, such proposed ordinances shall thereupon become a valid ordinance of said city; and any ordinance proposed by a petition or adopted by an election, as herein provided, cannot be repealed or amended, except by an election as herein provided. Any number of proposed ordinances may be voted on at the same election in accordance with the provisions of this section.

Section 15. No resolution, by-laws, or ordinances granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, city wharves and wharf property, or public property of the city of Pensacola, State of Florida, either in, under, upon, along, through, or over same shall take effect and be in force until thirty days after the final enactment of same by the board of commissioners and publication of said resolution, by-laws, or ordinances in full once a week for four consecutive weeks in one of the newspapers published in the city of Pensacola, which publication shall be made at the expense of the persons, firms or corporations applying for said grant. Pending the passage of such resolution, by-law or ordinance or during the time intervening between its final passage and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of said city may by written petition,

or petitions, addressed to said board of commissioners, object to such grant, and if during said period such written petition, or petitions shall be signed and filed as is provided in section 26 hereof, the commissioners or mayor shall forthwith order an election, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said by-law, resolution or ordinance, and pending such election the said grant shall stand suspended. In publishing the call for said election the said resolution, by-law or ordinance making said grant shall be published at length and at the expense of the city in some newspaper published in said city by at least one publication. That whenever, as is provided in section 26 hereof, the expense of such election shall be required to be paid by the person, firm or corporation, applying for such grant or franchise, said commissioner or Mayor, shall before making such call, furnish to the person, firm or corporation applying for such grant or franchise, an estimated expense of the election to be held to consider the same, and if the person, firm, or corporation so applying shall pay to, or deposit with, the city a sum sufficient to cover the cost of such election, as so estimated, the board of commissioners shall proceed to call said election; but if the same be not paid to, or deposited with, the said city within thirty days after said board makes said estimate of the cost of such election said election shall not be ordered and the by-law, resolution or ordinance shall not be effective. The applicant for any such grant or franchise shall pay to the city the ex-

pense of such advertisement thereof whether an election be held thereon or not, and the expense of such election, if held, and such by-laws, resolutions or ordinances shall not be valid unless the fact of such payment be noted in the record thereof upon the minute book or other permanent record thereof as kept by said board. Any applicant may withdraw any application before and without expense of such election or he may ask and obtain a suspension of the by-law, resolution or ordinance until the next regular municipal election at which time the question of its adoption may be determined by special ballot, and without expense to the applicant except for printing the special ballot and advertising the election on such application. If at such election the majority of the votes cast shall be in favor of said ordinance and the making of said proposed grant the same shall thereupon become effective; but if a majority of the votes cast shall be against the passage of said resolution, by-law or ordinance, said resolution, by-law or ordinance shall not become effective, nor shall it convey any rights, powers, or privileges of any kind, and it shall be the duty of said board of commissioners after such result of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise or lease or right of user, or any other right in, under, upon, along, through, or over the streets, public highways, thoroughfares, city wharves and wharf property or public property of the city of Pensacola shall be made or given, nor any such rights of any kind whatever be conferred upon any person, firm

or corporation, except by resolution or ordinance duly passed by the board of commissioners at some regular or adjourned meeting and published as above provided by this section; nor shall any extension or enlargement of any such rights or powers be made or given except in the manner and subject to all the conditions herein provided as to the original grant of same, and no license, permit, or franchise hereafter granted for the operation of any public utility, shall be sold, transferred, or assigned without the consent, by ordinance of the city of Pensacola.

Section 16. No franchise shall hereafter be granted, except upon condition that the city shall have the right, at any time after fifteen years from the granting thereof, to purchase the physical properties of the franchise holder, and to terminate its franchise and all privileges enjoyed by it thereunder; provided, the majority of the qualified tax-paying voters of the city voting thereon shall vote to do so; and provided, that upon the petition of twenty per cent of the qualified property tax paying voters to the commissioners, the matter of acquisition of such property shall be submitted to an election to be determined by a vote of the qualified tax paying voters, voting thereon, which election shall be held at the next succeeding election in the city of Pensacola, after at least twenty days' notice thereof shall have been published daily for twenty days in a newspaper published in said city, and, provided, that the owner of such physical property shall be compensated for the value thereof, considering solely the physical assets, such value to be determined by the re-

port of the majority of three arbitrators, one to be selected by the commissioners, one by the owner of the physical property to be valued, and the third by the arbitrators so selected, but if the owner of such physical property shall refuse for thirty days to select an arbitrator, then the value of such property shall be fixed by a vote of a majority of the board of commissioners. If the two arbitrators so selected shall be unable for thirty days to agree on a third arbitrator, then the majority vote of the board of commissioners shall fix such physical valuation. Any public utility accepting or operating under any license, permit or franchise granted, shall, by acceptance of same, be deemed to have consented to a future purchase, by the city of Pensacola in accordance with this Act.

Section 17. That the qualified voters may at any time file with the clerk of the Circuit Court of Escambia County, Florida, a petition, or petitions, calling for the resignation of any commissioner of said city. Such petition shall contain a general statement of the grounds upon which the removal of said official is requested, and each signer shall add after his name and nature and opposite thereto, his residence address. No degree of generalty or lack of particularity in the statement of grounds for removal shall be a ground for objections to such petition, in case such petition shall be signed by at least twenty per cent of the voters who were qualified to vote for commissioners at the last preceding city election, and the said clerk shall certify the said petition to the board of commissioners. It shall be the duty

of the clerk of the circuit court to examine into the qualifications of the signers of said petition, and if he shall find that said petition does not contain the requisite number of qualified electors to call said election, he shall within ten days after receipt of said petition notify the persons presenting same, in writing, of such fact, and thereupon the persons so presenting said petition shall have ten days within which to secure additional signers to meet the deficiency pointed out by the said clerk, and the failure to secure any additional number that may be necessary within ten days shall cause said petition to be denied. If the petition as originally presented is found by the clerk to contain the requisite number of qualified electors to call such election, he shall within ten days after receipt of said petition, certify such fact to the board of commissioners. If the petition as originally presented does not contain the requisite number of qualified electors to call such election and the petitioners shall supply the deficiency within the time provided, then upon such deficiency being supplied, the said clerk shall certify to the board of commissioners that the requisite number of qualified electors have petitioned for such election, calling for the resignation of the commissioner named in the petition. If said officer shall not on or before the next regular meeting of the board of commissioners after the receipt by the board of commissioners of the certificate of the said clerk, as above provided, resign from office, then said board at such meeting shall order an election to be held not less than thirty days nor more than forty days, from the date of said meeting

at which a successor to such officer to hold office for his unexpired term shall be voted for. At this election the person sought to be removed from office shall be a candidate to succeed himself and his name shall be placed upon the official ballot without any affirmative action on his part, and other candidates for commissioners for the unexpired term shall qualify the same as a candidate at a regular election hereunder. Notice of such election shall be given by publication once a week for three weeks in some newspaper published in the city of Pensacola. Such election shall be held and the result declared in all respects the same as a regular election. The person who shall be elected to such office shall hold the same for the unexpired term thereof, and if the person so elected be the incumbent whose removal has been requested, then he shall continue in office as though such petition had not been filed or such election held.

Section 18. The petitions provided by this act may be by a number of separate instruments as well as by one instrument, and separate instruments may be jointed together to make one petition. No person but a qualified voter shall sign any petition provided for by this act. The presence upon any such petition or petitions of the names of persons who are not qualified voters shall not impair the validity of such petitions of the names of properly qualified electors thereon; only the names of such persons shall be treated as nullities. No person hall sign the name of another to a petition, whether with or without authority: and no person shall sign more than one separate instrument as a pe-

tition for any single purpose herein provided. Any violation of the foregoing provisions of this section shall constitute a misdemeanor punishable as such, or as may be provided by ordinance. The clerk or commisioners when passing on the sufficiency of such petition and holding the names thereon to be not qualified electors names, shall indicate, by marginal notations or other legible and intelligible order thereon which names are so held to be insufficient so that interested parties may be advised of the exact reason if such petition be held insufficient.

Section 19. The commissioners shall each month have printed a detail report of all receipts and expenses and a summary of the proceedings during the preceding month and furnish printed copies thereof to the daily papers of the city, causing same to be published in such papers, and shall also furnish copies to such persons who apply therefor. At the end of each fiscal year the board of commissioners shall cause a full and complete examination of all the books and accounts of the city to be made by a competent accountant and shall publish in pamphlet form the result of such examination in the manner above provided for publication of statements of monthly expenditures. The governor is authorized at any time to have all the books and accounts of the city examined by a state examiner of public accounts, the cost of such examination to be paid by the city upon presentation to the mayor or president of the board, of said city, a duly certified statement of such expenses, by such examiner of public accounts, approved by the governor and when such state

examiner has furnished the mayor or president of the board with a full report of such examination, which report shall be published in the local papers. Upon the petition of fifty qualified voters certified to by the clerk of the Circuit Court to the governor, it shall be the duty of the governor to have an audit made of the books and accounts of the city.

Section 20. The clerk of the Circuit Court shall record in a well bound book kept for that purpose all papers required to be filed with him under the terms of this act and shall receive therefor the compensation allowed by law for similar services. He shall also receive a fee of fifty cents for each one thousand of population of the city according to the then last federal census, for examining such petition for a vote on any measure, a referendum vote or a recall of a commissioner.

Section 21 The commissioners shall have power to enforce the attendance of witnesses, the production of books and papers, and power to administer oaths in the same manner and with like effect and under the same penalties, as in case of magistrates exercising original or civil jurisdiction under the statutes of the State of Florida.

Section 22. If at the beginning of the term of office of the first commissioners elected under the provisions of this act, the appropriation of expenditures of the city government for the current fiscal year have been made, said commissioners shall have power by ordinance to revise, to repeal or change said appropriations and to make additional appropriations.

Section 23. The chief of fire department, chief of police, or any head of any department, or any superintendent or foreman in charge of municipal work may peremptorily suspend or discharge any subordinate under his direction for misconduct or failure to perform the duties of his office or employment, or disobedience of orders, but shall within twenty-four hours thereafter, report such suspensions or dismissal and reason therefor to the commissioner of his department who shall thereupon affirm or revoke such suspension or dismissal according to facts. Such employee or officer discharging or suspending him may within fifteen days after such ruling appeal the form to the Board of Commissioners, which shall fully hear and determine the matter, sitting in regular session In the event that the commissioners sitting in such session shall decide that suspension of such employee was not just, he shall be allowed full pay for the time lost during such suspension.

Section 24. There shall be a court for the trial of misdeameanor offenses known as the "Recorders Court" with powers and duties such as are defined and prescribed in the present city charter, and not in conflict with this act. The magistrate of said court shall be known as the "Recorder," shall be a qualified voter, and shall be appointed by the missioners, to hold office until his successor is appointed, and at a salary to be fixed by the board of commissioners.

Section 25. No order remitting any fines imposed by said recorder shall become effective unless it shall have been signed by two

commissioners of the city of Pensacola, sitting in regular session.

Section 26. The board of commissioners shall have power by ordinance:

1st. To construct, own, equip and operate wharves, docks, railroads, and terminals as may be deemed advisable for the promotion of the trade and commerce of said city.

2nd. To improve and regulate the use of the harbor within the limits of the city.

3rd. To acquire, own, construct, lease or operate public utilities, to grant to persons or corporations the right to construct, purchase, lease or operate public utilities, and to regulate the construction, equipment, operation and service of all public utilities operating under franchises heretofore or hereafter granted, and the rates to be charged for such service, subject to the limitation herein provided, and establish whatever requirements may be proper to secure efficient service, or as may tend to secure in the most ample manner the safety, health, comfort, welfare and accommodation of the public, and to correct abuses and to prevent unjust discriminations and charges by any public utility. The term "public utility" as used in this act shall mean and embrace all persons and corporations who may own, operate, manage or control any plant, or equipment, or any part thereof, within the limits of said city for the production, transmission, delivery or furnishing heat, light, power or water, directly or indirectly, to or for the inhabitants of said city, or engaged in, or performing any other service of a public nature in said city, and no term or conditions contained in any grant heretofore or hereafter

made shall be construed as limiting or impairing this power and authority. No grant of any franchise by the board of commissioners shall go into effect until thirty days after it has been passed. If within that time a petition signed by at least twenty per cent of the qualified voters of the city shall be filed with the mayor requesting that the ordinances so passed be submitted to a vote of the people, it shall be the duty of the mayor to call such election to be held as soon as may be under the election laws of the State and ordinances of the city and to submit said ordinance for the aproval of the voters of said city, and if a majority voting upon such proposition shall vote against the ordinance it shall fail to be of any effect, but if a majority shall vote in favor thereof it shall be in full force and effect from and after the date of election, and every such ordinance shall contain a provision for payment of the expenses of such election.

4th. To complete from time to time the reasonable extension of its facilities for service by any public utility, but no such extension shall be required on or over or under any street or highway which shall not have been graded .

5th. To grant to any railroad company the right to run its cars over the track of any other railroad company, operating under a franchise from the city, under such rules and regulations as may be prescribed by ordinance and upon payment of just compensation for the use thereof.

6th. To provide for the use, upon the payment of just compensation, of any such tracks as the city shall require for use in

connection with any railroad which it may at any time own and operate; and the commissioners may in like manner compel persons or corporations maintaining poles in the streets, or public ways, for the support of telephone, telegraph, or electric wires, to allow the city, or persons or corporations, to use such poles for the same or similar purposes, upon the payment of just compensation for use.

Section 27. To facilitate the regulation of rates, service, equipment and operation of public service utilities now or hereafter owned by the city or persons, firms or associations now or hereafter owning or operating such public utilities within the city, the board of commissioners shall have power and it shall be the duty of the commissioners to make or cause to be made careful estimates of the value and cost of construction and operation of such public service utility plants as exist, or are desirable for the carrying on of any public utility. For this purpose the commissioners and their agents shall have full access to the books and documents of any person, firm or association engaged in such service in the city, and may summon witnesses and examine them under oath, subject to the penalties of perjury if they testify falsely.

To aid the commissioners in securing the information and records aforesaid, every public service utility shall keep and render to the commissioners, in the manner and form prescribed by said commissioners uniform accounts of all business transacted, including cost, maintenance, and operation of plant, itemized gross income from all sources, ite-

mized expenditures for all purposes, and such other records and data as may be required by the commissioners to secure all facts contemplated by this section The city may by ordinance adopt any measure necessary to enforce the provisions of this section either as to the commissioners or the public service utilites.

Section 28. No commissioner, officer or employee of the city whatever, and no person who is related by consanguinity or affinity in the third degree, or any nearer degree under the civil law to any commissioner, officer or employee of the city drawing from the city salary equal to in excess of One Hundred Dollars per month, and no partnership any of whose members is so related to such commissioner, officer or employee, and no corporation any stockholder in which owning as much as five per cent. of its capital stock is so related to any commissioner, officer or employee, shall by contract, or by employment, or by trading or other business dealing, receive any profit or emolument, wage or other compensation from the city.

Section 29. No commissioner or head of department of the city shall be interested directly or indirectly in any contract for work or material, or the profits thereof, or services to be furnished or performed for the city, and no such officer or employee shall be interested, directly or indirectly, in any contract for work or materials, or the profits thereof or services to be furnished or performed for any person, firm or corporation operating wharves, interurban, street railway, railroad, boats, vessels, gas or elec-

tric light or power plant, telegraph line or telephone exchange within the territorial limits of said city. No commissioner or other official shall be interested in, or any employee either temporarily, professionally or otherwise of any person, partnership, corporation or association operating any public service utility within the said city. No such officer or employee shall accept or receive directly from any person, firm or corporation operating within the teritorial limits of said city, any wharves, interurban railway, railway, street railway, boat or vessel, gas works, electric light or power plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket, or free service, or accept or receive directly or indirectly from any such person, firm or corporation any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and punishable as such, or as may be provided by ordinance, and the offender shall be removed from office. Every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policemen, sanitary inspectors or firemen in uniform, nor to policemen in the discharge of their duty.

Section 30. No bonds shall be issued whatever, unless an election be duly ordered by the commissioners, and if at such election the majority of votes cast be in favor of creating such debt, it will be lawful for the commisioners to make the issuance of

bonds as proposed in the ordinance submitting the same at the election held, but if a majority of the votes cast shall be against the creating of such debt, it shall be unlawful for the commissioners to issue the bonds. In all elections to determine the expenditure of money for the assumption of debt, only those shall be qualified to vote who pay taxes on property, real or personal, in the city of Pensacola, and who have paid their taxes for the year preceding the year in which the election is held, and are legally qualified voters in said city.

All the privileges, powers, duties and responsibilities which at the time this act takes effect are vested in or imposed upon the board of bond trustees of the city of Pensacola, and which are not annulled or repealed by the provisions of this act, shall be and they are hereby, transferred to, vested in and imposed upon the board of commissioners herein provided for, to be exercised by them subject to repeal, alteration or amendment, in accordance with law. The said board of commissioners herein provided for shall have, possess and exercise all powers and duties granted to and imposed upon the mayor, the city council and the board of bond trustees, and each of them, by the ordinance, passed November 29th, 1912, entitled "An Ordinance to provide for the issuance of bonds of the city of Pensacola, Florida, under and by virtue of an act of the Legislature of the State of Florida, entitled "An Act to authorize the city of Pensacola to issue negotiable bonds for municipal purposes and provide for the payment thereof," approved May 12th, 1905, and all bonds issued under

the provisions of said ordinance shall be signed by said commissioners, and not by the mayor, the city comptroller and chairman of the Board of bond trustees, as therein provided.

Section 31. Whenever a difference of opinion shall arise as to what department embraces a certain work or matter, either because the same is not herein specially provided for or because of the difference of opinion as to the proper construction of the foregoing sections, the question shall be determined by the Board of commissioners in regular session and their conclusion shall be final and binding.

Section 32. The commissioners shall sign all bonds, notes or other evidence of indebtedness by the city, and shall also sign all contracts to which the city of Pensacola is a party; provided that if any one of the commissioners shall refuse to sign any such instrument, the same shall become effective without his signature by the signature of the two other commisioners. No contract signed by less than three commissioners shall be of any effect until forty-eight hours after written notice of the signing thereof has been given to the other commissioners, within which time the same shall be subject to change or abrogation by the affirmative vote of any two commissioners. All checks issued by the city shall be signed by the comptroller and countersigned by at least two of the commissioners.

Section 33. No contract shall be let that involves the expenditure of over three hundred dollars, until after the advertisement for at least one week by a daily paper pub-

lished in the city of Pensacola, and then only to the lowest and or best bidder. Except that in emergency a publication of two days shall be sufficient, when the nature of the emergency is stated in such publication.

Section 34. No commissioner, officer or employee of the city shall directly or indirectly receive from the city any compensation, emolument or thing of value for any service rendered or to be rendered by him other than the regular compensation to be paid to him as fixed by the terms of his employment as fixed by law.

Section 35. Any officer or employee of the city of Pensacola who solicits support for any candidate for commissioner, in any primary or general election, or any such officer or employee who shall endeavor to influence any voter to vote for or against any candidate for commissioner, shall be deemed guilty of a misdeameanor, and on conviction shall be punished as may be provided by law or city ordinance, and shall be removed from office or employment with the city, and ineligible to any such office or employment.

Section 36. The commissioners of the city of Pensacola shall fix the amount of bonds and the method of their approval to be required of all elective, appointive or subordinate officers, and such other city employees whom the commissioners of the city of Pensacola shall require to give bond. The approval of the official bond of all elective, appointive or subordinate officers and other employees must be endorsed thereon and signed by the commissioners of the city of Pensacola, and shall be given and made by some good and solvent surety company authorized

to do business in the State of Florida, and having net assets of at least one and one-half million dollars. If no such company will make such bond, or no such company is authorized by laws of the State to transact such business, the sureties on such bonds and the execution of the same shall be in accordance with laws relating to bonds of State officials. All bonds when approved shall be recorded in the office of the Clerk of the Circuit Court of Escambia County, Florida.

Section 37. The Board of commissioners shall hold a regular meeting at least once each week on a day and hour to be fixed by the Board at its first meeting, and to be published, subject to change as the Board may deem advisable after one year, or at the time of the organization of the board, and may hold such special meetings as may be called by two of the commissioners. The board shall keep a journal of the proceedings of its meetings, which shall be open to the public, and a copy of its proceedings shall be published as soon as practicable in a newspaper, or newspapers, published in said city.

Section 38. The commissioners are hereby empowered to submit amendments to this charter, for the approval of the electors of said city at any election to be held not more than six, nor less than three, months preceding the day for the convening of any session of the Legislature, and shall submit to the electors for their approval any amendments recommended by the petition of twenty per cent. of the qualified voters of the city, prepared and verified as provided in section 18. Each amendment proposed shall be sub-

mitted separately. to a vote of the electors, and all amendments so approved by the electors shall be transmitted by the commissioners to the Secretary of State for record in his office, and who shall furnish a certified copy thereof to the Governor, who, at the same time of presenting his biennial message, shall transmit said amendments to the Legislature for adoption by it.

Section 39. The board of commissioners herein provided for shall constitute the Board of equalization for the city of Pensacola, and shall possess all the powers and perform all the duties vested in or required of said board of equalization under existing laws and city ordinances.

Section 40. After the city has operated for more than six years under the provisions of this act it may abandon such organization hereunder and resume its former government by proceeding as follows: Upon the petition of a number of qualified voters within said city equal to, or exceding, twenty per cent. of the qualified voters at the last general city election, a special election shall be called by the board of commissioners at which the following proposition shall be submitted:

"Shall the City of Pensacola abandon its organization under the provisions of law providing a commission form of government, and assume its former aldermanic form of government? ....." If the majority of votes cast at such election be in favor of such proposition at the next regular municipal election thereafter there shall be elected all municipal officers as required by laws existing at the time of the passage of this

act. Upon the election and qualification of such officers the city shall become a city of non-commission charter under its former charter, and general and special laws applicable thereto, but such change shall not in any manner or degree affect the property, rights or liabilities of such city, or any of its powers expressed or implied, but shall merely extend to such changes in the form of government. The sufficiency of such petition shall be determined, the election ordered and the results thereof declared in the manner provided for other elections in this act and the general laws of the State of Florida, and ordinances of said city. When an election is held under the provisions of this section, no other may be called for the same or similar purpose for at least two years next thereafter. Nothing in this section shall be construed to limit or abridge the power and rights granted by section 38 hereof.

Section 41. All laws and parts of laws both local and general, in conflict with the provisions of this act are expressly repealed.

Section 42. That this act shall take effect immediately upon its approval.

Approved May 3rd, 1913.

STATE OF FLORIDA,

Office Secretary of State, ss:

I, H. CLAY CRAWFORD, Secretary of State of the State of Florida do hereby certify that the foregoing is a true and correct copy of "An Act relating to the City of Pensacola, to create a commission form of government for said city; to provide for the election of commissioners, their term of of-

fice, and the selection of one commissioner as Mayor; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunto; to abolish all existing offices and boards including the Council of the City of Pensacola; and to enlarge and extend the powers and jurisdiction of said City and to provide for the support and maintenance of its government," Session Laws of Florida, 1913, approved by the Governor and filed in this office.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Tenth day of May, A. D. 1913.

H. CLAY CRAWFORD,

(SEAL) Secretary of State.

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